

REMARKS

In the Office Action, the Examiner rejected claims 1-46. By the present Response, claim 23 has been amended to correct a typographical error. Upon entry of the amendment, claims 1-46 will remain pending in the present patent application. As pending, the claims are believed patentable. Reconsideration and allowance of all pending claims are requested.

The Examiner rejected claims 1-46 under 35 U.S.C. §102(e) as being anticipated by Richardson (US 6,054,987). Applicants respectfully traverse the rejections.

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each recitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Applicants respectfully assert that the cited reference fails to disclose all of the recited features of the instant claims.

Claim 1 and its Dependent Claims

Beginning with claim 1, this claim recites, for example, “storing *in a memory object of each component* data representative of the respective component and of a *physical configuration of the component*.” There is no suggestion that the cited reference discloses these features. To support his rejection of the instant claim, the Examiner states:

In regard to claims 1, 14, 24, 32, 39, Richardson teaches the method of creating group views of managed network (method of creating view of a system of network components), see col. 5 lines 59-67 and col. 1 line 35-col. 3 line 45, comprising a plurality of attribute values in a group view attribute list stored in a database (memory object via a data network); displaying a list of plurality of group views within the user interface of a windows based computer environment (generating a user viewable representation of the system based upon the data); user entering a plurality of group view attributes into a database via the user interface

(accessing data from memory objects via data network), see col. 5 line 59- col. 6 line 20.

See Paper 2, pages 2-3 (parentheticals and citations in original).

Nowhere within the foregoing statement is “data representative of the respective component and of a *physical configuration of the component*” appear. The mere fact that the cited reference discusses “attributes” is not sufficient disclosure to assume the cited reference discloses the features recited in the instant claim.

Additionally, even assuming, *arguendo*, the Examiner’s interpretation of the cited reference is correct, the Examiner’s own interpretation mitigates against a conclusion of anticipation. The Examiner refers to a “group view attribute list stored in a database (memory object via a data network).” The Examiner then concludes that the attributes are stored in a *database*. However, this is not even remotely similar to storage in a *memory object of each component* as recited in the instant claim. Based on the foregoing reasons, among others, Applicants respectfully assert the Richardson reference does not anticipate the instant claim.

Accordingly, independent claim 1 and its respective dependent claims 2-13 are believed patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Claim 14 and its Dependent Claims

Turning next to independent claim 14, this claim recites, *inter alia*, “storing the component *designation data and the physical location data* for each component *in a dedicated memory of the respective component*.”

The Examiner, in support of this rejection, employed the paragraph quoted above. Applicants respectfully assert that neither the Examiner’s interpretation of the cited

reference nor the reference itself suggests that *designation data* or *physical location data* of a respective component is disclosed therein. Additionally, there is no reason to believe that such data would be stored *in a dedicated memory of the respective component*. Indeed, the Examiner's interpretation of the cited reference, on the contrary, means that such "attributes" would be stored in a network database. *See* Paper 2, page 2.

Based on the foregoing reasons, Applicants respectfully assert that independent claim 14 and its respective dependent claims 15-23 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Claim 24 and its Dependent Claims

Turning next to independent claim 24, this claim recites, *inter alia* "storing component designation data and physical configuration data in the memory object of each programmable component, the component designation data including data identifying the respective component, and the physical configuration data including data identifying a physical disposition of the respective component in the enclosure set."

Again, the Examiner employed the foregoing quoted paragraph as support for his rejection of the instant claim. Applicants respectfully assert that neither the reference nor the Examiner's interpretation of the reference supports any semblance of an "enclosure set" inside of which components are disposed. Additionally, as discussed above, the cited reference does not disclose storing any semblance of data "in the memory object of each programmable component." Rather, the Examiner's interpretation, on the contrary, would have any such information stored in a network database.

Accordingly, Applicants respectfully assert that independent claim 24 and its respective dependent claims 24-31 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Claim 32 and its Dependent Claims

Turning next to independent claim 32, this claim recites, *inter alia*, “a plurality of electrical components, *each component including a memory object* allocated for component designation data and physical location data, the component designation data including data identifying the respective component, and the physical configuration data including data identifying a physical disposition of the respective component in the system.”

As argued above, the cited reference does not disclose any semblance of a component including a memory object. Again, the Examiner’s interpretation supports, at best, a network database which is clearly external the component. Additionally, there is no suggestion that the “database” provides the physical disposition of the component in the system. Applicants respectfully assert that the Examiner is, at best, reading into the reference elements that are not disclosed therein.

Based on the foregoing reasons, Applicants respectfully assert that independent claim 32 and its respective dependent claims 33-38 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Claim 39 and its Dependent Claims

Turning, lastly, to independent claim 39, this claim recites, *inter alia*, “a plurality of electrical power control components disposed in an enclosure set, each component including a memory object for storing component designation data and physical configuration data, the component designation data including data identifying the respective component, and the physical configuration data including data identifying a physical disposition of the respective component in the enclosure set.”

Again, the Examiner has employed the above quoted paragraph as support for his rejection. As stated above, there is no reason to believe that the cited reference discloses any semblance of an “enclosure set”. Moreover, the Examiner’s interpretation provides no

reason to believe otherwise. Additionally, also as argued above, the cited reference does not disclose any semblance of a “component including a memory object,” yet alone, a memory object that includes, “data identifying the respective component,” as well as, “data identifying a physical disposition of the respective component in the enclosure set.” Applicants respectfully assert that the Examiner has read into the cited reference elements that are not disclosed therein.

Based on the foregoing reasons, Applicants respectfully assert that independent claim 39 and its respective dependent claims 40-46 are patentable over the cited reference. Reconsideration and allowance are respectfully requested.

Inherency-Based Rejections

Lastly, the Examiner, with regards to a number of the features recited within the dependent claims, stated that the features were “inherent.” Specifically, the Examiner stated that:

It is inherent that the physical configuration of the component includes data representative of a location of the component in the system and physical dimension of a subunit of the system, every electrical component having electrical power load;

It is inherent that representation includes indicia representative of an operational status;

It is inherent that the user viewable representation is provided at a monitoring station coupled to the system via the data network which has internet protocol;

It is inherent that the memory objects are reprogrammable by the monitor station;

It is inherent that monitoring station access a database containing system description data for generation of the user viewable representation;

It is inherent that database include configuration data; and

It is inherent that a plurality of links to user viewable representation for each component.

See Paper 2, pages 2-5. Applicants respectfully disagree with the Examiner's interpretation of what is inherent within the cited reference.

Applicants respectfully assert that the Examiner has provided neither evidence nor a cogent line of reasoning to support his position of inherency. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q.2d 1949 (Fed. Cir. 1999). The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.* In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

In the instant case, Applicants respectfully assert that the Examiner's conclusory assertions about what is "inherently" found in the Richardson reference fails to provide the requisite evidence or reasoning for inherently finding the foregoing features in the Richardson reference. Applicants respectfully assert that the Examiner has attributed to the Richardson reference elements that are not disclosed therein. Reconsideration is respectfully requested.

Conclusion

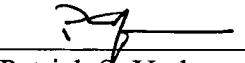
In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a

telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

Date: 2/10/2003

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 23 has been amended as follows:

23. (Amended) The method of claim † 14, wherein the representation includes indicia representative of an operational status of each component.